

REMARKS

Claims 1-30 are pending in this application.

Claims 1-30 have been rejected.

No claims have been amended.

Reconsideration and full allowance of Claims 1-30 are respectfully requested.

I. PREVIOUSLY ALLOWABLE CLAIMS

The Applicants note that in view of new prior art the Examiner has rejected previously allowable Claims 10, 20, and 30. For the reasons set forth below, the Applicants respectfully submit that Claims 10, 20, and 30 (and all other pending claims) are allowable. As a result, previously allowable Claims 10, 20 and 30 remain in condition for allowance.

II. REJECTIONS UNDER 35 U.S.C. § 103(a)

The June 13, 2005 Office Action rejected Claims 1-2, Claims 5-12, Claims 15-22, and Claims 25-30 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,067,525 to Shkedy (hereafter "*Shkedy*") in view of United States Patent No. 5,301,320 to McAtee et al. (hereafter "*McAtee*"). The June 13, 2005 Office Action also rejected Claims 3-4, Claims 13-14, and Claims 23-24 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,067,525 to Johnson et al. (hereafter "*Johnson*") in view of *Shkedy* and *McAtee* and in view of United States Patent No. 6,073,109 to Flores et al. (hereafter "*Flores*"). The Applicants respectfully traverse these rejections.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to

make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

The Applicants respectfully direct the Examiner's attention to Claim 1, which sets forth unique and novel claim elements:

1. (Previously Presented) For use in connection with a network capable of providing communications between a plurality of customers generating service requests and a plurality of vendors capable of fulfilling said service requests, a system for monitoring and controlling work flows associated with said service requests between said plurality of customers and said plurality of vendors comprising:

a main controller capable of creating a first work flow record used to control a first work flow associated with a first service request and storing said first work flow record in a storage device associated with said main controller, wherein said main controller is further capable of receiving from a first customer within said plurality of customers and a first vendor within said plurality of vendors, said first customer and said first vendor associated with said first work flow, at least one of messages, data files, software applications, and documents, storing said at least one of messages, data files, software applications, and documents in said storage device in association with said work record, and transferring at least one of said at least one of messages, data files, software applications, and documents to at least one of said first customer and said first vendor, wherein said first work flow is at least partially developed or executed by said receiving, storing and transferring said at least one of messages, data files, software and documents; and

an accounting controller associated with said main controller capable of identifying at least one fee associated with said first work flow and storing fee data associated with said at least one fee in said first work flow record. (Emphasis added).

With respect to independent Claim 1, the Examiner stated that "As per claim 1, 5-11 and 15-16, 19-22, and 29-30 Shkedy discloses a systems and methods for providing a global bilateral buyer-driven system for creating binding contracts between sellers and buyers. In doing so, Shkedy discloses a main controller 'i.e. a central controller for receiving a forward purchase order from and creating' capable of creating a first work flow record used to control a first work

flow associated with a first service request and storing said first work flow record in a storage device associated with said main controller” (Office Action, Page 2, Lines 20 to Page 3, Line 2). For the reasons set forth below, the Applicants respectfully disagree with the Examiner’s characterization of the *Shkedy* reference as disclosing a main controller that is capable of creating “a first work flow record” for controlling “a first work flow” of the type disclosed and claimed by the Applicants. In addition, the Applicants respectfully disagree with the Examiner’s characterization of the *Shkedy* reference as set forth in Lines 1-16 of Page 3 of the June 13, 2005 Office Action.

The *Shkedy* reference recites systems and methods for creating binding contracts in a buyer-driven system. (*Shkedy*, Abstract). Orders from individual buyers may be combined into a single collective purchase requirement, and sellers willing to bid on the purchase requirement are located. (*Shkedy*, Abstract). A central controller manages the operation of the system. (*Shkedy*, Abstract).

Specifically, the *Shkedy* reference discloses a system in which each buyer has a buyer interface 400 that is connected to a central controller 200 via a buyer modem 450. Similarly, each seller has a seller interface 300 that is connected to the central controller 200 via a seller interface 350. Each buyer interface 400 comprises a central processor unit (CPU) 405. Each seller interface 300 comprises a central processor unit (CPU) 305. These hardware components do not carry out the functions of the Appellants’ “main controller” or the functions of the Appellants’ “accounting controller.”

The *Shkedy* network “facilitates communications between a plurality of buyers and a plurality of sellers through an intermediary (i.e. central controller 200).” (Emphasis added) (*Shkedy*, Column 4, Lines 62-65). All communications between a buyer and a seller in *Shkedy* are indirect and must be mediated by the central controller 200. FIGURE 2 of *Shkedy* shows database storage device 250 in central controller 200. Database storage device 250 contains various databases for mediating the communications between buyers and sellers.

Consider, for example, that *Shkedy* states: “The buyer logs on to central controller 200, selects the item that he wishes to purchase, accepts the maximum price given by the central controller 200 and thereby creates FPO 100 [Forward Purchase Order 100], and then disconnects from the network.” (Emphasis supplied) (*Shkedy*, Column 12, Lines 59-62). Seller bids 115 are transmitted electronically to central controller 200. When the optimal bid has been determined [by the central controller 200], the central controller 200 contacts the buyer and seller to indicate that they are mutually bound.” (Emphasis added) (*Shkedy*, Column 12, Line 67 to Column 13, Line 3).

Shkedy does not disclose the concept of a customer (buyer) transferring messages, data files, software applications and documents to a vendor (seller) through a main controller in response to a vendor inquiry. “After a work flow is initially created, customer transfer controller 212 and customer data collection controller 212 continue to interact with the operator of customer network 110 during subsequent sessions with RCE network 180. For example, a vendor may respond to a service request in a work flow by asking one or more questions or requesting additional documents from customer network 110.” (Specification, Page 29, Lines

12-18) (Emphasis added). “Alternatively, the vendor may decide to accept the work flow or may decide to ask for additional information and/or documents from the customer that generated the work flow.” (Specification, Page 30, Lines 8-10) (Emphasis added).

Also, *Shkedy* does not disclose the concept of a vendor (seller) transferring messages, data files, software applications and documents to a customer (buyer) through a main controller. “Advantageously, the vendor may, for a price, allow a customized vendor work flow application 236 to be exported to RCE network 180, network 110, or both.” (Specification, Page 31, Lines 4-8) (Emphasis added). Further, “After a work flow is accepted by the vendor, vendor transfer controller 232 and vendor data collection controller 234 continue to interact with the vendor during subsequent sessions with RCE network 180. For example, a vendor may from time to time ask questions or request additional documents from customer network 110. In this case, vendor transfer controller 232 and vendor data collection controller 234 continue to operate as before, gathering information from the vendor operating vendor network 150 and transmitting it to RCE network 180.” (Specification, Page 34, Lines 12-20) (Emphasis added).

In this aspect of the invention, RCE network 180 serves as a conduit for direct communications between customer transfer controller 212 and vendor transfer controller 232. It is clear that RCE network 180 is not a required link in the communication path between customer transfer controller 212 and vendor transfer controller 232 for all communications. This is shown by the statement “Advantageously, the vendor may, for a price, allow a customized vendor work flow application 236 to be exported to RCE network 180, network 110, or both.” (Specification, Page 31, Lines 4-8). That is, the vendor may (or may not) communicate

with the customer network 110 via RCE network 180. FIGURE 1 illustrates that each vendor unit (e.g., 150) has direct access to each customer unit (e.g., 110) through communication network 140.

Shkedy does not disclose, suggest or even hint at the Applicants' concept of a customer (buyer) transferring messages, data files, software applications and documents to a vendor (seller) through a main controller in response to a vendor inquiry. *Shkedy* also does not disclose, suggest or even hint at the Appellants' concept of does not disclose the concept of a vendor (seller) transferring messages, data files, software applications and documents to a customer (buyer) through a main controller.

The Applicants respectfully note that the *Shkedy* reference fails to disclose significant elements of the Applicants' invention. Therefore, the *Shkedy* reference provides an insufficient basis for use as a prior art reference against the Applicants' invention. For these reasons, the Appellants' invention, as claimed in independent Claim 1 (and in the dependent claims) is not obvious in view of the *Shkedy* reference.

A previous Office Action dated November 13, 2003 acknowledged that *Shkedy* fails to disclose "executing a workflow upon receiving a message." (November 12, 2003 Office Action, Page 3, Third Paragraph). In fact, *Shkedy* fails to mention using any type of workflows, and the present Office Action (June 13, 2005 Office Action) has not provided any motivation or suggestion as to why one skilled in the art would modify *Shkedy* to include the use of workflows.

The present Office Action stated that "Shkedy does not explicitly disclose wherein said work flow is at least partially executed by said receiving, storing and transferring said at least

one message.” (June 13, 2005 Office Action, Page 3, Lines 17-18). The Office Action then asserted that the *McAtee* reference discloses these elements and that it would be obvious to modify *Shkedy* with the recitations of *McAtee* (June 13, 2005 Office Action, Page 3, Line 18 to Page 4, Line 3). The Applicants respectfully traverse these assertions.

The *McAtee* reference discloses a computerized system for automatically executing a plurality of business tasks while allocating resources based on availability and priority. A sequential order of work steps called a “workflow” is designed in advance by a designer. A designer first defines a workflow by providing the system with a template of business activities. After the designer completes the template the system performs the various tasks in the order in which they tasks are specified in the workflow template. (*McAtee*, Column 2, Lines 33-49). A user can initially enter data (*McAtee*, Column 12, Lines 51-52) or send an indication that a manual task has been completed (*McAtee*, Column 4, Lines 51-55). However, the sequential order of the *McAtee* workflow is not “partially developed or executed” by “transferring at least one of said at least one of messages, data files, software applications, and documents to at least one of said first customer and said first vendor” as recited in Claim 1, Claim 11 and Claim 21.

The Office Action asserts that it would be obvious to modify *Shkedy* with the recitations of *McAtee* “with the motivation to execute monitor and control the flow of business operations.” (June 13, 2005 Office Action, Page 3, Line 18 to Page 4, Line 3). However, as previously mentioned, *Shkedy* lacks any mention of using any type of workflow. The Office Action has failed to establish that the workflow functionality is needed or even desired in the system of

Shkedy. Without that showing, the Office Action cannot establish that a person skilled in the art would modify *Shkedy* with the recitations of *McAtee* as asserted in the Office Action.

There is nothing in the *Shkedy* reference that suggests combining the teachings of the *McAtee* reference with the teachings of the *Shkedy* reference. There is nothing in the *McAtee* reference that suggests combining the teachings of the *Shkedy* reference with the teachings of the *McAtee* reference. There must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The motivation to “execute, monitor and control the flow of business operations” is too general and vague to provide the requisite motivation to modify a reference or to combine reference teachings.

In order to establish obviousness by combining references there must be some teaching or suggestion in the prior art to combine the references. *Arkie Lures, Inc. v. Gene Larew Tackle, Inc.*, 119 F.3d 953, 957, 43 USPQ2d 1294, 1297 (Fed.Cir. 1997) (“It is insufficient to establish obviousness that the separate elements of an invention existed in the prior art, absent some teaching or suggestion, in the prior art, to combine the references.”); *In re Rouffet*, 149 F.3d 1350, 1355-56, 47 USPQ2d 1453, 1456 (Fed.Cir. 1998) (“When a rejection depends on a combination of prior art references, there must be some teaching, or motivation to combine the references.”)

Evidence of a motivation to combine prior art references must be clear and particular if the trap of “hindsight” is to be avoided. *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed.Cir. 1999) (Evidence of a suggestion, teaching or motivation to combine prior art references

must be “clear and particular.” “Broad conclusory statements regarding the teaching of multiple references, standing alone, are not ‘evidence.’”). *In re Roufett*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457 (Fed.Cir. 1998) (“[R]ejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be ‘an illogical and inappropriate process by which to determine patentability.’”)

The Applicants respectfully submit that the alleged motivation to combine references presented by the Examiner does not meet the legal requirement to establish a finding of *prima facie* obviousness. The Applicants respectfully submit that the alleged motivation to combine references is not clear and particular. The fact that two references are concerned with the same general technical area does not without more provide a “clear and particular” motivation to combine the references. The Applicants respectfully submit that the alleged motivation to combine references has been assumed by “hindsight” in light of the existence of the Applicants’ invention.

For the reasons previously set forth, the Applicants respectfully disagree with the Examiner’s characterization of the *Shkedy* system as set forth in the *Shkedy* reference. Therefore, even if it were proper (which the Applicants do not admit) to combine the *Shkedy* system and the *McAtee* system, the combination of the two references would still not teach, suggest or even hint at the Applicants’ invention.

Therefore, the Applicants' invention would not have been obvious in view of the teachings of the *Shkedy* reference in view of the *McAtee* reference. The Applicants respectfully submit that Claims 1, 11 and 21 each contain unique and novel claim limitations and that Claims 1, 11 and 21 are now in condition for allowance. Further, the dependent claims that depend, directly or indirectly, on independent Claims 1, 11 and 21 also contain the unique and novel claim limitation of their respective independent claims. Therefore, the dependent claims that depend, directly or indirectly, on Claims 1, 11 and 21 also contain patentable subject matter and are in condition for allowance.

For the reasons set forth above, the Applicants respectfully traverse the assertions in the Office Action that it would have been obvious to modify the *Shkedy* reference with the teachings of the *McAtee* reference to reject Claim 2. There is no mention in either *Shkedy* or *McAtee* of "a plurality of work flow definitions defining at least one process step to be performed by at least one of said main controller, said accounting controller, a first customer processing device associated with said first customer, and a first vendor processing device associated with said first vendor." There is nothing in the *McAtee* reference that supplies the deficiencies of the *Shkedy* reference with respect to Claim 2.

For the reasons set forth above, the Applicants respectfully traverse the assertions in the Office Action that it would have been obvious to modify the *Shkedy* reference and the *McAtee* reference to reject Claims 5 and 6. There is no mention in either *Shkedy* or *McAtee* of "a primary work flow record" associated with a service request and "a secondary work flow record" associated with a second request. There is no legally sufficient motivation mentioned for

combining references or even modifying the references. Therefore, Claim 5 and Claim 6 are not obvious in view of the cited prior art.

For the reasons set forth above, the Applicants respectfully traverse the assertions in the Office Action that it would have been obvious to modify the *Shkedy* reference and the *McAtee* reference to reject Claims 7 and 8. There is no mention in either *Shkedy* or *McAtee* of identifying and storing an additional fee associated with a second work flow. There is no legally sufficient motivation mentioned for combining references or even modifying the references. Therefore, Claim 7 and Claim 8 are not obvious in view of the cited prior art.

For the reasons set forth above, the Applicants respectfully traverse the assertions in the Office Action that it would have been obvious to modify the *Shkedy* reference with the teachings of the *McAtee* reference to reject Claim 12. There is no mention in either *Shkedy* or *McAtee* of a work flow record that comprises a plurality of work flow definitions defining at least one process step to be performed by at least one of said main controller, said accounting controller, a first customer processing device associated with said first customer, and a first vendor processing device associated with said first vendor. There is nothing in the *McAtee* reference that supplies the deficiencies of the *Shkedy* reference with respect to Claim 12.

There must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The motivation to “execute, monitor and control the flow of business operations” is too general and vague to provide the requisite motivation to modify a reference or to combine reference teachings with respect to Claim 12.

For the reasons set forth above, the Applicants respectfully traverse the assertions in the Office Action that it would have been obvious to modify the *Shkedy* reference and the *McAtee* reference to reject Claims 15 and 16. There is no mention in either *Shkedy* or *McAtee* of “a primary work flow record” associated with a service request and “a secondary work flow record” associated with a second request. There is no legally sufficient motivation mentioned for combining references or even modifying the references. Therefore, Claim 15 and Claim 16 are not obvious in view of the cited prior art.

For the reasons set forth above, the Applicants respectfully traverse the assertions in the Office Action that it would have been obvious to modify the *Shkedy* reference and the *McAtee* reference to reject Claims 17 and 18. There is no mention in either *Shkedy* or *McAtee* of identifying and storing an additional fee associated with a second work flow. There is no legally sufficient motivation mentioned for combining references or even modifying the references. Therefore, Claim 17 and Claim 18 are not obvious in view of the cited prior art.

For the reasons set forth above, the Applicants respectfully traverse the assertions in the Office Action that it would have been obvious to modify the *Shkedy* reference and the *McAtee* reference to reject Claims 25 and 26. There is no mention in either *Shkedy* or *McAtee* of “a primary work flow record” associated with a service request and “a secondary work flow record” associated with a second request. There is no legally sufficient motivation mentioned for combining references or even modifying the references. Therefore, Claim 25 and Claim 26 are not obvious in view of the cited prior art.

For the reasons set forth above, the Applicants respectfully traverse the assertions in the Office Action that it would have been obvious to modify the *Shkedy* reference and the *McAtee* reference to reject Claims 27 and 28. There is no mention in either *Shkedy* or *McAtee* of identifying and storing an additional fee associated with a second work flow. There is no legally sufficient motivation mentioned for combining references or even modifying the references. Therefore, Claim 27 and Claim 28 are not obvious in view of the cited prior art.

The June 13, 2005 Office Action also rejected Claims 3-4, Claims 13-14, and Claims 23-24 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,067,525 to Johnson et al. (hereafter “*Johnson*”) in view of *Shkedy* and *McAtee* and in view of United States Patent No. 6,073,109 to Flores et al. (hereafter “*Flores*”). The Applicants respectfully traverse these rejections.

For the reasons set forth above and for the reasons set forth below, the Applicants respectfully traverse the assertions in the Office Action that it would have been obvious to modify the *Johnson* reference with the teachings of the *Shkedy* reference and the teachings of the *McAtee* reference and the teachings of the *Flores* references to reject Claim 3, Claim 4, Claims 13-14 and Claims 23-24. For the reasons set forth above, neither the *Shkedy* reference nor the *McAtee* reference (nor the two references in combination) teach the unique and novel elements of the Applicants’ invention. Furthermore, the deficiencies of the *Shkedy* reference and the *McAtee* reference are not remedied by the *Johnson* reference or the *Flores* reference.

The *Johnson* reference discloses “a computer sales system which is used to facilitate a sales process.” (*Johnson*, Column 2, Lines 24-25). The *Johnson* computerized sales system

comprises a plurality of subsystems, each of which electronically facilitate an event that occurs during the sales process. (*Johnson*, Column 2, Lines 46-47). One of the subsystems is referred to as a “Time with Customer component 104.” (*Johnson*, Column 3, Line 66).

It is clear that the *Johnson* system does not facilitate a transaction between “a plurality of buyers and sellers” because the *Johnson* system deals with only one customer at a time. For example, the *Johnson* system “assists salespeople in generating revenue by committing a customer to a specific purchase, i.e., converting the “lead” into a purchasing customer.” (Emphasis added). (*Johnson*, Column 4, Lines 61-63). The “presentation and proposal modules” of the *Johnson* system (including the “time with customer component 104”) “assist the sales personnel to electronically give a presentation to a customer and prepare a proposal for the customer which reflects the presentation.” (Emphasis added) (*Johnson*, Column 5, Lines 1-4).

Unlike the Applicants’ invention, the *Johnson* reference does not disclose the concept of monitoring and controlling work flows associated with service requests between a plurality of customers and a plurality of vendors. The *Johnson* system only handles one customer (and one vendor) at a time.

In the *Johnson* system, “any information related to the customer’s specific needs or desires gleaned from the customer during the time with the customer phase of the sales process may be used by the order management component 106 to ensure the needs and desires are met.” (Emphasis added) (*Johnson*, Column 5, Lines 43-47). The *Johnson* system provides a specific time period (referred to as the “time with the customer phase”) to obtain order information from

one customer. There is nothing in the *Johnson* system that relates to a plurality of customers or to a plurality of vendors.

The *Johnson* system does not disclose a “central controller transmitting messages between the sellers and buyers regarding the status record of the purchase order (col. 18, lines 11-16).” The “order status module 504” of the *Johnson* system does not transmit messages to “sellers and buyers” regarding the status record of the purchase order. “An order status module 504 is provided to allow the salesperson to inquire and monitor the status of an order at any time throughout the order process.” (Emphasis added) (*Johnson*, Column 18, Lines 11-12). The order status in the *Johnson* system may be accessed by a salesperson. There is nothing in the *Johnson* system that relates to transmitting messages between “sellers and buyers” regarding the status record of a purchase order.

The *Johnson* system does not disclose a main controller that “is further capable of receiving from a first customer and a first vendor associated with said first work flow at least one of messages, storing said at least one of messages, in said storage device, and transferring at least one of said at least one of messages, to at least one of said first customer and said first vendor (col. 29, lines 21-47).” The sales process set forth and described in Column 29 of the *Johnson* reference does not receive a message (or other information) from a first customer within a plurality of customers. The sales process set forth and described in Column 29 of the *Johnson* reference does not receive a message (or other information) from a first vendor within a plurality of vendors. The system set forth and described in Column 29 of the *Johnson* reference does not

transfer a message (or other information) to a first customer within a plurality of customer or to a first vendor within a plurality of vendors.

The Applicants respectfully note that the *Johnson* reference fails to disclose significant elements of the Applicants' invention. Therefore, the *Johnson* reference provides an insufficient basis for use as a prior art reference against the Applicants' invention.

With respect to Claim 3, Claim 4, Claims 13-14 and Claims 23-24, the Office Action acknowledges that the combination of the *Shkedy* and *McAtee* references fails to explicitly disclose "which party modifies the work order or the work plan." (June 13, 2005 Office Action, Page 7, Lines 10-11). The Office Action then asserts that it would be obvious to modify the work flow definitions "in order to have a dynamic or a flexible system." (June 13, 2005 Office Action, Page 7, 15-16). The Applicants respectfully traverse these assertions. The motivation to "to have a dynamic or a flexible system" is too general and vague to provide the requisite motivation to modify a reference or to combine reference teachings with respect to Claim 3, Claim 4, Claims 13-14 and Claims 23-24.

The Office Action also asserts that Claim 3, Claim 4, Claims 13-14 and Claims 23-24 are obvious in view of the teachings of *Shkedy* and *McAtee* as modified by the teaching of *Flores*. (June 13, 2005 Office Action, Page 7, Lines 17 to Page 8, Line 8). The Applicants respectfully traverse these assertions. The Applicants hereby incorporate by reference all of the arguments previously made in connection with Applicants' position concerning the *Shkedy* reference and the *McAtee* reference.

The Applicants respectfully traverse the Examiner's assertion that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of *Shkedy* and *McAtee* to include a workflow definitions modification as taught by *Flores*.

First, the supposed motivation to obtain "to create, modify and delete definition documents in a database" is very general and does not specifically suggest combining the teachings of the *Flores* reference with the teachings of the *Shkedy* reference and the *McAtee* reference. There must be some suggestion or motivation, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. The desire "to create, modify and delete definition documents in a database" is too general and vague to provide the requisite motivation to modify a reference or to combine reference teachings. The *Flores* reference does not disclose any features that would cure the deficiencies of the *Shkedy* reference or the deficiencies of the *McAtee* reference.

For these reasons, the Office Action has not shown that a person skilled in the art would be motivated to combine *Shkedy* and *McAtee* references or be motivated to combine the *Shkedy* and *McAtee* and *Flores* references as asserted in the Office Action. As a result, the Office Action has not established a *prima facie* case of obviousness against Claims 1-30. Accordingly, the Applicants respectfully submit that Claims 1-30 are in condition for allowance. Allowance of Claims 1-30 is respectfully requested.

III. CONCLUSION

The Applicants' attorney has made the arguments set forth above in order to place this application in condition for allowance. In the alternative, the Applicants' attorney has made the amendments and arguments to properly frame the issues for appeal. In this Response, the Applicants make no admission concerning any now moot rejection or objection, and affirmatively deny any position, statement or averment of the Examiner that was not specifically addressed herein.

SUMMARY

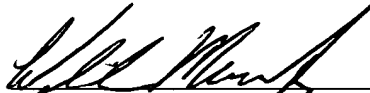
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: Sept. 13, 2005



William A. Munck
Registration No. 39,308

P.O. Box 800889
Dallas, Texas 75380
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *wmunck@davismunck.com*